IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.288 of 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Shri P.C. Madkholkar, Amicus Curiae for Petitioner.
Smt. B.H. Dangre, AGP for State.
Shri M.P. Badar, Special Counsel for Forest Department.
Shri A.M. Gordey, Advocate for R- 5.
Shri R.K. Deshpande, Advocate for R- 6.

Coram : A.H. Joshi & R.C. Chavan, JJ.
Dated : 3rd April, 2007

1. Learned Advocate Shri P.C. Madkholkar, Amicus Curiae, brought to the notice of court order dated 22-11-2005, and Civil Application No.1142 of 2006. He further prayed that this Civil Application be heard first in sequence.

2. Heard learned Advocate Shri A.M. Gordey for the respondent No.1. Learned Advocate Shri Gordey has taken this Court though Civil Application No.1142 of 2006 and affidavit of learned Advocate Shri Kshirsagar filed by him in support of application. Learned Advocate Shri Gordey then urged that respondent No.5 must get fair trial as undertaking to compensate reveals acceptance of stigma, and therefore the statement of learned Advocate Shri

Kshirsagar was therefore due to misunderstanding apart that it was made in absence of express instructions.

3. Considering the statement of learned Advocate Shri Gordey that the respondent No.5 must get a fair trial, the Court wanted to know if the respondent No.5 has averred in the application that he was ready to face an enquiry in the matter of correctness of imputations contained in the petition and quantification of losses. Learned Advocate Shri Gordey stated that he would seek specific instructions on this point and shall place on record the stand of respondent No.5 by filing an affidavit. He, therefore, prayed for three days' time for this purpose.

4. We see that the matter has been adjourned from time to time and it needs to be heard expeditiously.

5. We allow three days' time to respondent No. 5 to place on record if he is ready and willing for a fact finding enquiry.

6. To enable respondent No.5 to file affidavit on record, if he wants, he is granted time up to 6-4-2007.

7. The matter be listed on board for hearing of Civil Application No.1142 of 2006 as well as hearing of the writ petition at 2.30 p.m. on 10-4-2007. Depending on what transpires during hearing and if respondent No.5 is able to place on record his readiness and willingness, this Court may be able to specify terms of reference based on record of this petition.

8. Steno copy of this order be supplied to the learned Advocates for the parties as per the rules.

Judge **Judge**

pdl.